

REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Office Action mailed April 8, 2011. Claims 1-17, 19 and 20 are pending. Claims 1-17, 19 and 20 are rejected. No new matter has been added.

Declaration Under 37 C.F.R. § 1.132

1. The Examiner stated that the Declaration made by Daniel Fossner signed 5/28/2009 and filed 5/29/2009 is ineffective to overcome Chamberlain (U.S Patent Publication No.: 2003/208369, hereinafter “Chamberlain”) as prior art and is ineffective to overcome the previous rejections relying on Chamberlain for a number of reasons.

The Examiner states that a Declaration under 37 C.F.R. § 1.131 to swear behind a reference must normally be signed by each Applicant. There are exceptions as provided by MPEP 715.04, yet there is no evidence or statements as to why less than all inventors have signed as being provided.

Applicants again point out that a Declaration under 37 C.F.R. § 1.131 sent via Federal Express to the last known address of the second named inventor of the present application, Mr. Peter Shapiro, on June 17, 2010. The Declaration was undeliverable because Mr. Peter Shapiro no longer resides at the last known address. Applicants submit that previously provided Exhibit A, which includes a copy of the Federal Express bill of lading, proof of shipment and proof of undeliverability. Therefore, Applicants have met their burden under 37 C.F.R. § 1.131 and MPEP 715.04 with regard to why all of the inventors have not signed the Declaration.